

REMARKS:

The Examiner is thanked for the Office Action of November 25, 2005. Applicant has amended claims 1 and 36 in clarification. Claim 6 has also been amended to depend from claim 1, and now provides for at least two radially spaced openings in the central portion. Claims 34 and 35 should have depended from withdrawn claim 21, and therefore have been withdrawn. Claims 5 and 37 have been canceled. No new matter has been added.

Applicant submits that all claim rejections under 35 U.S.C. §112, second paragraph, have been overcome in light of the amendments herein.

Applicant further submits that the amendments to claims 1 and 36 overcome the anticipation rejection of claims 1-4, 11, 15-17 and 36 based on U.S. Patent No. 4,257,525 to Thompson (hereafter "Thompson"). Thompson fails to disclose or suggest a split tubular member having first and second contoured portions at opposite ends thereof, and at least two radially spaced openings extending through a central portion of the tubular member, wherein the radially spaced openings are axially aligned along an axis substantially perpendicular to a central axis of the split tubular member. Amended claim 1 now provides for this feature. In addition, Thompson fails to disclose the method of amended claim 36. All of the pending claims depend from either amended claim 1 or 36. Therefore, Thompson fails to disclose every claim element of the claimed invention. As such, the claims are not anticipated by Thompson.

The split tubular member claimed by Applicant includes two radially spaced openings, such as openings 28, 30 and/or openings 32, 34. See Figures 6 and 7. In addition to being radially spaced along split tubular member 20, each pair of openings is axially

aligned. For example, see Figure 2 showing one side of the tubular member; note that opening 28 is aligned with opening 30 on the other side of the tubular member. Finally, the alignment of each pair of openings (i.e. 28, 30 and 32, 34) lies on an axis substantially perpendicular to the central axis of the split tubular member. The spacing and alignment of these openings in the central portion of the tubular member allow for mechanized attachment of the handle to the container. Specifically, the handle may be inserted via a mechanized apparatus having rods that extend through the spaced openings 28, 30 and/or 32, 34 thereby engaging the handle. See Specification, p.10, lines 1-13. As such, the rods are perpendicular to the central axis of the tubular member, and aligned with the axis of the radially spaced openings. The handle is engaged by the rods, and inserted onto the container.

As provided in amended claim 37, the contoured portions of the handle may engage elliptical knobs. The handle is aligned with knobs so that the gap of the split tubular member faces the longitudinal diameter of the knobs. See Figure 23. In this position, the handle may be pushed onto the knob so that the contoured portions engage the knobs. The handle is then rotated about 90° so that the gap faces the axial diameter of the knobs, thereby removeably securing the handle thereto. See Figure 24; see also Specification, page 9, lines 13-23.

Thompson fails to disclose or suggest either the container and removable handle of amended claim 1 or the method of amended claim 36. With respect to claim 1, Thompson fails to disclose or suggest the radially spaced openings that are axially aligned along an axis perpendicular to the central axis of the tubular member. These openings are provided for the insertion of rods for mechanized attachment of the handle

to the container, as explained above and as specifically disclosed by Applicant in the specification. Therefore, Applicant disagrees that this feature would have been an obvious matter of design choice, as stated by the Examiner. To the contrary, such a feature provides a specific benefit and function to the claimed invention. There is neither any disclosure nor motivation to modify Thompson to include such openings. As such, Applicant submits that claims 6-10, 13, 14, 18 and 20 are not obvious over Thompson, and respectfully requests withdrawal of the rejections.

There is no disclosure or motivation to modify Thompson to provide for the method claimed by Applicant in amended claim 36. The Examiner asserts that Thompson teaches rotating slightly the handle for alignment purposes. However, Thompson does not teach first aligning contoured portions of a handle with knobs, then engaging the contoured portions, and after the contoured portions have engaged the knobs rotating the handle about 90°. Such a method would not be possible with the apparatus disclosed by Thompson because the key 106 of the Thompson handle must be aligned with the keyway 100 *before* engaging the handle (thus slight rotation of the handle may be necessary to align the key with the keyway *before* engaging the handle). The Thompson handle only engages the bottle *after* alignment of the key and keyway. See '525 patent, Figure 15. Once the Thompson handle has been engaged, it cannot be rotated given the structure of the key and keyway. There is no suggestion or disclosure supporting a modification of Thompson to allow for such a method. In addition, such a modification would destroy the intent and configuration of the handle disclosed by Thompson.

Reconsideration of the application in amended form is respectfully requested.

Applicant submits that in light of the amendments and remarks herein, all pending claims are now in condition for allowance. It is believed that no fees are due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Schrot', with a stylized flourish at the end.

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